

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

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| ADAPTIX, INC., | Plaintiff, |) | Case No. 5:13-cv-01774-PSG |
| v. | |) | ORDER DENYING MOTION TO SEAL |
| CELLCO PARTNERSHIP <i>d/b/a</i> | |) | (Re: Docket No. 170) |
| VERIZON WIRELESS, <i>et al.</i> , | |) | |
| | Defendants. |) | |
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| ADAPTIX, INC., | Plaintiff, |) | Case No. 5:13-cv-01776-PSG |
| v. | |) | ORDER DENYING MOTION TO SEAL |
| APPLE INC., <i>et al.</i> , | |) | (Re: Docket No. 200) |
| | Defendants. |) | |
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| ADAPTIX, INC., | Plaintiff, |) | Case No. 5:13-cv-01777-PSG |
| v. | |) | ORDER DENYING MOTION TO SEAL |
| APPLE INC., <i>et al.</i> | |) | (Re: Docket Nos. 202) |
| | Defendants. |) | |
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| ADAPTIX, INC., | Plaintiff, |) | Case No. 5:13-cv-01778-PSG |
| v. | |) | ORDER DENYING MOTION TO SEAL |
| AT&T, Inc., <i>et al.</i> , | |) | (Re: Docket No. 198) |
| | Defendants. |) | |

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| ADAPTIX, INC., | Plaintiff, |) | Case No. 5:13-cv-01844-PSG |
| v. | |) | ORDER DENYING MOTION TO SEAL |
| CELLCO PARTNERSHIP <i>d/b/a</i> VERIZON WIRELESS, <i>et al.</i> , | |) | (Re: Docket Nos. 189) |
| | Defendants. |) | |
| <hr/> | |) | |
| ADAPTIX, INC., | |) | Case No. 5:13-cv-02023-PSG |
| | Plaintiff, |) | ORDER DENYING MOTION TO SEAL |
| v. | |) | |
| APPLE INC., <i>et al.</i> | |) | (Re: Docket No. 183) |
| | Defendants. |) | |

Pursuant to Civil Local Rule 79-5, a party looking to seal documents is required to submit a declaration establishing that the documents are in fact sealable. In addition, the request must be narrowly tailored. A declaration from outside counsel simply saying it is so does not meet this standard. In addition, the request must be narrowly tailored. A cursory review of the materials at issue in the pending motions shows portions that plainly are not sealable. Indeed, the requesting party is urging sealing even as it claims that the same material is publicly available prior art: “Defendants’ investigatory efforts recently uncovered a prior art OFDM-based wireless communications system call “Project Angel.” Project Angel was developed by AT&T Wireless and was known and in public use prior to the filing dates of the applications leading to the Asserted Patents.”¹

The court simply cannot square that one. The motions are DENIED.

IT IS SO ORDERED.

Dated: May 9, 2014

Paul S. Agnew

PAUL S. GREWAL
United States Magistrate Judge

¹ See, e.g., Case No. 5:13-cv-02023-PSG, Docket No. 183-4 at 2.

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Case Nos. 5:13-cv-1774; -1776; -1777; -1778; -1844; -2023
ORDER DENYING MOTIONS TO SEAL